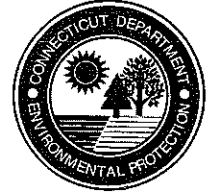




# STATE OF CONNECTICUT

## DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 24, 2011  
Commerce Committee

Testimony Submitted by Commissioner Amey W. Marrella  
Department of Environment Protection

### **Raised House Bill No. 6400 – AN ACT STREAMLINING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S STORMWATER GENERAL PERMITTING PROCESS.**

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Thank you for the opportunity to present testimony regarding Raised House Bill No. 6400 - AN ACT STREAMLINING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S STORMWATER GENERAL PERMITTING PROCESS. The Department of Environmental Protection (Department) offers the following testimony.

The Department has developed a stormwater management program following the federal approach that relies heavily on the use of general permits rather than individual permits to regulate and manage activities that generate polluted stormwater runoff. Such runoff has been identified regionally and nationally as having a serious impact on the quality of our waterbodies. General permits cover similar regulated activities, lay out a framework for compliance, and are much less costly and time consuming to administer and issue than the alternative – an individual permit. Registration under one of the Department's four types of stormwater general permits covers discharges from approximately 2,100 sites or activities. These stormwater discharges are regulated efficiently and effectively by: 1) establishing general pollution control measures in the general permit, which are customized for each site through its stormwater management plan, and 2) authorizing the site or activity upon submission and review of a registration and supporting information.

In light of increasingly comprehensive federal requirements to manage stormwater, we agree there is a need to streamline the stormwater permitting process. However, with respect to the construction stormwater general permit, the Department is concerned about the effects of a legislative mandate allowing Professional Engineer (PE) certification for compliance with state stormwater requirements and applicable local government soil erosion and sediment control regulations. The Department's concerns are outlined below after some brief background information.

Within the stormwater general permit program, two stormwater general permits regulate the vast majority of sites and both rely on a Professional Engineer (PE) certification to assure a site's management plan meets permit requirements – the industrial stormwater general permit (covers approximately 1460 activities) and the construction stormwater general permit (covers about 320 activities).

In the case of the industrial stormwater general permit, a PE certifies the site's management plan – eliminating Department review of this plan. In this sector, PE certification has worked well and the Department plans to consider this framework in other water discharge general permits. Therefore, for the industrial general permit, Raised House Bill No. 6400 would serve only to affirm what is already being implemented by the Department.

In the case of the construction stormwater general permit, the Department has experienced issues with compliance, despite PE certification. We have seen a persistent pattern of inadequate stormwater management plans and significant non-compliance with implementing provisions of the general permit and the stormwater management plans.

The Department is currently working to both streamline this permitting process and increase compliance through review of the stormwater management plans by the Connecticut Conservation Districts (Districts), which have the expertise and a statutory mandate to assist the Department in this role, and conducting on-site inspections once construction begins to assure proper plan implementation. This approach will provide more certainty for the applicant, as they will know the plan's status and will receive assistance complying with the plan before the project progresses to the point when modification of stormwater controls could be costly and unduly delay construction. To efficiently administer the modified construction stormwater general permit, the Department is proposing a partnership with Connecticut Conservation Districts (Districts), which have the expertise and a statutory mandate to assist the Department in this role. The Department's proposed partnership with the Districts is consistent with actions taken regionally, by Delaware, Pennsylvania, New York, and New Jersey, and will expedite the review of the stormwater management plans.

In summary, the Department seeks to streamline stormwater permitting while maintaining the environmental protections these general permits provide. With regards to the construction stormwater general permit, the Department is concerned that such protections will be weakened if PE certification replaces Department oversight. The Department is committed to continuing to streamline the stormwater general permit process and would welcome the opportunity to work with the proponents of the bill to discuss this further.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov).